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09/590,417

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Arthur R. Tilford

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EXAMINER

ANDRAMUNO, FRANKLIN S

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/590,417	<b>Applicant(s)</b> TILFORD, ARTHUR R.	
	<b>Examiner</b> FRANKLIN S. ANDRAMUNO	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 35-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 35-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/18/07, 02/19/08</u> .                                      | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

4. Some of the information disclosure statement (IDS) submitted on 6/18/07 and 02/19/08 was not considered because it fails to meet grounds of MPEP 901.03.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 35-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perlman (US Pat No. 6,169,879), in view of the PocketTV TM article, and in further view of Huang et al. (US Pat No. 6,437,836).

In consideration of claim 35, the Perlman et al. reference discloses a method, system, and article of manufacture for facilitating communications between a WebTV "set top box" [40] and a plurality of "electronic devices" defined as "any number or type of various consumer electronic devices that provide audio output, video output, or information services" (Col 6, Lines 45-60). The system implicitly comprises "two or more set top boxes (STBs)" [40] or WebTV boxes (Col 8, Lines 12-15) associated with a given user's home entertainment system for "controlling a display of audio/visual

information" [ 110]. A WebTV®, as defined in the Microsoft Computer Dictionary 5th Edition, is a "system that provides consumers with the ability to access the Web as well as send and receive e-mail on a television by means of a set-top box equipped with a modem".

The reference discloses that the "set top box" [40] is operable to "receive broadcast audio/visual information" (Col 7, Line 66 - Col 8, Line 4) and "receive" /"transmit audio/video information" from/to any of the connected sources such as a VCR [130] whereupon it is "transformed... to a form suitable for presentation on an output device" for "display on the output device" [110] (Col 9, Lines 23-30, 46-65). The reference, however, does not explicitly disclose nor preclude that the aforementioned interconnected "electronic devices" would not further include a "handheld computing device" such as one that provides audio output, video output, or information services. The "PocketTV Brings Video to Palm- size PC" article discloses a "handheld computing device" such as a PDA (ex. ~ Jornada 430se) that further provides audio and video output in a manner such that it "becomes a miniature VCR" and further inherently supports the ability to "transmit" and "receive" video files to a computer, as further evidenced by the "HP Jornada 430/430se Palm-size PC User's Guide" of record. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize a "handheld computing device" as disclosed in the PocketTWM article in conjunction with the "set top box" [40] interconnection teachings of Perlman for the purposes of enabling the recording/storage of "audio/visual information" on a portable device that may advantageously allow for the storage of an entire movie in your

pocket (PocketTV TM article) in a portable manner. Furthermore, such a combination would implicitly provide a means for presenting such information using a larger display screen [ 110] analogous to the Perlman VCR arrangement for the commonly known advantage of providing the "handheld computing device" or PDA user with a more easily viewable image when the PDA is interconnected to the "set top box" [40] based upon a higher screen size and resolution (Iliad Jornada 430se provides a maximum of 16-bit video or 65,336 colors) and/or enabling easier viewing for additional/multiple user so as to share viewing the recorded content given the larger screen image.

Taken in combination, the combined teachings disclose a "set top box" [40] that facilitates the distribution of audio/visual information to, from, and between a plurality of interconnected electronic devices including "handheld computing device" for display on the "output device" [ 110]. However, the reference does not explicitly disclose nor preclude that the "handheld computing device" is further configured to facilitate remote control type functions. The Huang et al. reference discloses the particular usage of a "handheld computing device" or PDA that is operable to "receive a user command from a user" and "translate the user command into a command signal" so as to "control one or more of the STBs using the command signal" (Col 6, Lines 16-31; Col 7, Lines 43-58). Accordingly, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the "handheld computing device" of the combined teachings for the purpose of utilizing a PDA as a platform for a remote control that advantageously facilitates added flexibility and functionality (Huang et al.: Col 3, Line 51 - Col 4, Line 21).

Claims 47 and 48 are rejected as previously set forth in the rejection of claim 35. The aforementioned combined references do not explicitly disclose the particularly claimed scenario wherein a "first of one or more hand held computing devices" is operable to interact with a STB (Claim 47) such that "the first hand held computing device and second hand held computing device are different hand held computing devices". In response to the examiner's previous objection pertaining to the drawings failing to illustrate such a scenario utilizing multiple "handheld computing devices" in conjunction with a single "set top box", the applicant states that such a scenario is a "conventional feature" and as such need not be shown in the Figures (Response to Final Rejection, 01 December 2003, Page 7).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time of the invention that the aforementioned combined teachings of Perlman would be operable to utilize both a "first" and a "second handheld computing device" that are different for the purposes of enabling a viewer to transport and share media with another user with a similar configuration.

Alternatively, it is well known in the art that viewers desire to share recorded media for a number of reasons. The combined Perlman and PocketTV TM articles suggest the use of a portable "handheld computing device" in which a viewer may take recorded media along with them. One of ordinary skill in the art would recognize that multiple home entertainment systems of the combined references may exist and meet the claimed limitations wherein the "first" and "second handheld computing devices" are "different". Feasibly a viewer with a "first hand held computing device" may "receive audio/visual

information" that is "transmitted" to a "first handheld computing device" and "stored".

The viewer's friend may own a "second handheld computing device" that "receives" and "stores" a different program. Over afternoon tea, the second viewer may talk about the program that he/she watched last night. Presuming that the first viewer has not viewed the program, the second viewer having ordinary skill in the art and being a polite conversationalist may offer to share the contents of the "second handheld computing device". One having ordinary skill in the art would subsequently recognize that it would be advantageous to plug the "second handheld computing device" into the first user's home entertainment system such that it "receives" and "provides the audio/visual information from the second handheld computing device" to an "output device" [ 110] such as a television set for the purpose of advantageously providing the video display on a larger screen that is easier to view so as to share the program with the second user.

In consideration of claim 57, as aforementioned, the combined teachings disclose a "handheld computing device" such as a PDA that is implicitly operable to "control two or more set top boxes" of similar configuration. As aforementioned, the "handheld computing device", in light of the combined references, is operable to "receive audio/visual information from a first STB", "store the received audio/visual information" and subsequently transmit the "stored audio/visual information to a second STB for display on the output device".

In consideration of claims 36, 37, 58, and 59, it is known in the art that viewers share recorded media. The combined disclose the use of a portable "handheld computing

device" in which a viewer may take recorded media along with them. Accordingly, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to recognize various usage scenarios for the purpose of sharing and distributing media between users with a similar configuration of home entertainment systems. For example, one of ordinary skill in the art would recognize that given multiple home entertainment systems that a user might record information on their "handheld computer device" for storage and playback on the "same" STB for the purpose of presenting such information using a larger display screen that advantageously provides a higher screen image resolution than that associated with the PDA (HP Jornada 430se provides a maximum of 16-bit video or 65,336 colors) and/or enables easier viewing for additional/multiple user so as to share viewing the recorded content given the larger screen image. Alternatively, the use of the "same" STB provides the user with the ability to record and advantageously watch the program at a later time. Similarly, in conjunction with the sharing of media, a user of a "handheld computer device" may subsequently share or distribute the media to a "different" STB associated with a friend for the purposes of advantageously enabling the sharing (analogous to sharing a traditional VCR tape) and viewing of the recorded media on a larger display screen associated with a different location.

In consideration of claims 38, 49, and 60, it is notoriously well known in the art to for a VCR to "transmit the audio/visual information..., in response to the depressing of a signal button" such as the play button. As aforementioned, the Perlman reference discloses that the VCR [ 130] is operable to "transmit the audio/visual information" to a "set top



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box" [40]. Accordingly, given that the suggestion by PocketTV TM article that the PocketTV TM is a "miniature VCR", it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize a "user command" such as that associated with a play button similar to other VCRs in the art for the purpose of providing a means for "transmitting audio/visual information" to the "second STB" [40] for display on the "output device" [110] using an interface with which a user of a VCR is familiar.

In consideration of claims 39 and 61, it would have been obvious to one having ordinary skill in the art at the time of the invention to store the audio/visual information on the "handheld computing device in encrypted form" for the purpose of limiting the distribution and subsequent playback of the record media to individuals per the media terms of use.

In consideration of claims 40, 41, 50, 51, 62, and 66, the Perlman reference discloses that the embodiment is operable to support a means for electrically connecting each of the consumer electronic devices to the central device in a hub and spoke configuration (Col 14, Lines 31:33) and may further reformat signals between various formats (Col 16, Lines 12- 23). The Huang et al. reference discloses the particular usage of "wireless transmission" to communicate with the "one or more of the STBs" (Col 5, Lines 15-21).

A PDA such as the I-IP Jordana 430/430se is operable to communicate via both "wireless" and "wired" means. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further utilize "wired" means in conjunction with "communications" with the "one or more STBs" associated

with audio/video materials for the purpose of utilizing a distribution method that supports a higher data transfer rate needed to support streaming video.

In consideration of claims 42, 52, and 64, the Huang et al. embodiment is "configured to control a video cassette recorder" (Col 5, Lines 22-30). The Perlman reference, however, does not explicitly disclose nor preclude that the "set top box" [40] further comprises an "incorporated" video cassette recorder. Rather, the video cassette recorder [ 130] is illustrated as a separate unit. However, Perlman explicitly incorporates by reference the Perlman (US Pat No. 6,530,085) reference (Col 1, Lines 7-10). The Perlman ('085) reference discloses that the "set top box" [40] may comprise an "incorporated" video cassette recorder (Col 19, Lines 46-64). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention that the VCR [ 130] referenced in conjunction with the Perlman (' 879) reference may be either external or internal to the "set top box" [40].

In consideration of claims 43, 53, and 65, the combined references do not explicitly disclose the particular technique for "filtering out desirable information from the broadcast audio/visual information for transmission and storage on the handheld computing device".

As referenced in the PocketTV article, a Palm sized device may comprise 64 MB of memory that is operable to store more than one hour of audio/visual information (Para. 2). Accordingly, it would have been obvious to one having ordinary skill in the art to "filter out desirable information from the broadcast audio/visual information" do so for

the purpose of utilizing the limited storage capacity to store "desired" material as opposed to undesirable material.

In consideration of claims 44, 54, and 66, the combined references do not explicitly disclose that the "audio/visual information" is transmitted over a "constant period interval". It would have been obvious to one having ordinary skill in the art at the time the invention was made to transmit information over a "constant periodic interval" since it was known in the art that data such as wireless streamed video is transmitted at a "constant periodic interval" of 100 Mbit/sec or higher per the PocketTV article.

Furthermore, the IrDA compliant transceivers such as that associated with the liP Jornada 430/430se transmit information at a "constant period interval" from 9600 b/s with primary speed/cost steps of 115 kb/s and maximum speed up to 4 Mb/s.

In consideration of claims 45, 55, and 67, the "audio/visual information" is "transmitted from one of the STBs to the handheld computing device only when an amount of the audio/visual information exceeds a threshold" such that information is only transmitted when information is available. Alternatively, given that the embodiment is operable to communicate via both "wireless" and "wired" means, it would have been obvious to one having ordinary skill in the art that information would be transmitted via the "wired" means if the data transfer rate exceeds 100 Mbit/sec since such a transfer rate is not supported in conjunction with wireless distribution as taught by the PocketTV article.

In consideration of claims 46, 56, and 68, as aforementioned audio/visual information may be "transmitted" from one of the "handheld computing devices" or electronic devices to the STB [40] (Perlman ('879): Col 9, Lines 46-54). Accordingly, it would have

been obvious to one having ordinary skill in the art at the time the invention was made to "transmit" the "audio/visual information..., from one of the STBs to the handheld computing device when requested by the handheld computing device" for the purpose of providing a means by which the user may control and specify the particular information to be stored on the "handheld computing device".

8. Claims 35-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schindler et al. (US Pat No. 5,675,390), in view of the PocketTV TM article, and in further view of Huang et al. (US Pat No. 6,437,836).

In consideration of claim 35, the Schindler et al. reference discloses a method, system, and article of manufacture for facilitating communications between a computer / "set top box" [118] and a plurality of "electronic devices" (Figure 1). In light of the applicant's specification, a "set top box" is disclosed as any device capable of receiving program information signals (IA: Page 10, Lines 23-25). The reference discloses that the "set top box" [118] is operable to "receive broadcast audio/visual information" including MPEG-1 encoded signals and to "receive" / "transmit audio/video information" from/to a connected sources such as a VCR [172] whereupon it is "transformed... to a form suitable for presentation on an output device" for "display on the output device" [122] (Col 7, Line 44 - Col 8, Line 65). The reference, however, does not explicitly disclose the particular usage of a "handheld computing device" to be used in conjunction with the embodiment for the receiving and transmitting material to/from a computer. The PocketTV TM article, as interpreted by the applicant (Paper 18, Page 9, Lines 7-10), discloses a device or PDA that is limited to receiving and transmitting material to/from a computer.

As referenced in the article, such information comprises MPEG-1 encoded video.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize a "handheld computing device" as disclosed in the PocketTV <sup>TM</sup> article in conjunction with the computer / "set top box" [ 118] of Schindler et al. which facilitates the storage and processing of MPEG-1 encoded video for the purposes of enabling the recording/storage of "audio/visual information" on a portable device that may advantageously allow for the storage of an entire movie in your pocket (PocketTV <sup>TM</sup> article) in a portable manner. Furthermore, such a combination would implicitly provide a means for presenting such information using a larger display screen [122] for the commonly known advantage of providing the PDA user with a more easily viewable image when the PDA is interconnected to the "set top box" [ 118] based upon a higher screen resolution (I-[P Jornada 430se provides a maximum of 16-bit video or 65,336 colors) and/or enabling easier viewing for additional/multiple user so as to share viewing the recorded content given the larger screen image.

Taken in combination, the combined teachings disclose a computer/"set top box" [ 118] and "handheld computing device" or PDA that are operable to interchange information and display "audio/visual information" on the "output device" [ 122]. However, the reference does not explicitly disclose nor preclude that the "handheld computing device" is further configured to facilitate remote control type functions. The Huang et al. reference discloses the particular usage of a "handheld computing device" or PDA that is operable to "receive a user command from a user" and "translate the user command into a command signal" so as to "control one or more of the STBs using the command

signal" (Col 6, Lines 16-31; Col 7, Lines 43-58). Accordingly, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the "handheld computing device" of the combined teachings for the purpose of utilizing a PDA as a platform for a remote control that advantageously facilitates added flexibility and functionality (Huang et al.: Col 3, Line 51 - Col 4, Line 21).

Claims 47 and 48 are rejected as previous set forth in the rejection of claim 35. With respect to the differences, the aforementioned combined references do not explicitly disclose the particularly claimed scenario wherein a "first of one or more hand held computing devices" is operable to interact with a STB (Claim 47) such that "the first hand held computing device and second hand held computing device are different handheld computing devices". In response to the examiner's previous objection pertaining to the drawings failing to illustrate such a scenario utilizing multiple "handheld computing devices" in conjunction with a single "set top box", the applicant states that such a scenario is a "conventional feature" and as such need not be shown in the Figures (Response to Final Rejection, 01 December 2003, Page 7). Accordingly, it would have been obvious to one having ordinary skill in the art at the time of the invention that the aforementioned combined teachings would be operable to utilize both a "first" and a "second handheld computing device" that are different for the purposes of enabling a viewer to transport and share media with another user with a similar configuration.

Alternatively, it is Well known in the art that viewers desire to share recorded media for a number of reasons. The combined references articles suggest the use of a portable

"handheld computing device" in which a viewer may take recorded media along with them. One of ordinary skill in the art would recognize that multiple home entertainment systems of the combined references may exist and meet the claimed limitations wherein the "first" and "second handheld computing devices" are "different". Feasibly a viewer with a "first hand held computing device" may "receive audio/visual information" that is "transmitted" to a "first handheld computing device" and "stored". The viewer's friend may own a "second handheld computing device" that "receives" and "stores" a different program. Over afternoon tea, the second viewer may talk about the program that he/she watched last night. Presuming that the first viewer has not viewed the program, the second viewer having ordinary skill in the art and being a polite conversationalist may offer to share the contents of the "second handheld computing device". One having ordinary skill in the art would subsequently recognize that it would be advantageous to plug the "second handheld computing device" into the first users home entertainment system such that it "receives" and "provides the audio/visual information from the second hand held computing device" to an "output device" [ 122] such as a television set for the purpose of advantageously providing the video display on a larger screen that is easier to view so as to share the program with the second user.

In consideration of claim 57, as aforementioned, the combined teachings disclose a "handled computing device" such as a PDA that is implicitly operable to "control two or more set top boxes" of similar configuration. As aforementioned, the "handheld computing device", in light of the combined references, is operable to "receive audio/visual information from a first STB", "store the received audio/visual information"

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and subsequently transmit the "stored audio/visual information to a second STB for display on the output device".

In consideration of claims 36, 37, 58, and 59, it is known in the art that viewers share recorded media. The combined disclose the use of a portable "handheld computing device" in which a viewer may take recorded media along with them. Accordingly, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to recognize various usage scenarios for the purpose of sharing and distributing media between users with a similar configuration of home entertainment systems. For example, one of ordinary skill in the art would recognize that given multiple home entertainment systems that a user might record information on their "handheld computer device" for storage and playback on the "same" STB for the purpose of presenting such information using a larger display screen that advantageously provides a higher screen image resolution than that associated with the PDA (HP Jornada 430se provides a maximum of 16-bit video or 65,336 colors) and/or enables easier viewing for additional/multiple user so as to share viewing the recorded content given the larger screen image. Alternatively, the use of the "same" STB provides the user with the ability to record and advantageously watch the program at a later time. Similarly, in conjunction with the sharing of media, a user of a "handheld computer device" may subsequently share or distribute the media to a "different" STB associated with a friend for the purposes of advantageously enabling the sharing (analogous to sharing a traditional VCR tape) and viewing of the recorded media on a larger display screen associated with a different location.



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In consideration of claims 38, 49, and 60, it is notoriously well known in the art to for a VCR to "transmit the audio/visual information..., in response to the depressing of a signal button" such as the play button. Accordingly, given that the suggestion by PocketTV TM article that the PocketTV TM is a "miniature VCR", it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize a "user command" such as that associated with a play button similar to other VCRs in the art for the purpose of providing a means for "transmitting audio/visual information" to the "second STB" [118] for display on the "output device" [ 122] using an interface with which a user of a VCR is familiar.

In consideration of claims 39 and 61, it would have been obvious to one having ordinary skill in the art at the time of the invention to store the audio/visual information on the "handheld computing device in encrypted form" for the purpose of limiting the distribution and subsequent playback of the record media to individuals per the media terms of use.

In consideration of claims 40, 41, 50, 51, 62, and 66, the Huang et al. reference discloses the particular usage of "wireless transmission" to communicate with the "one or more of the STBs" (Col 5, Lines 15-21). A PDA such as the HP Jordana 430/430se is operable to communicate via both "wireless" and "wired" means. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further utilize "wired" means in conjunction with "communications" with the "one or more STBs" associated with audio/video materials for the purpose of utilizing a

distribution method that supports a higher data transfer rate needed to support streaming video.

In consideration of claims 42, 52, and 64, the Huang et al. embodiment is "configured to control a video cassette recorder" (Col 5, Lines 22-30). The Schindler et al. reference, further discloses that the computer /"set top box" [118] comprises an "incorporated" video cassette recorder [330] (Col 10, Lines 52-54).

In consideration of claims 43, 53, and 65, the combined references do not explicitly disclose the particular technique for "filtering out desirable information from the broadcast audio/visual information for transmission and storage on the handheld computing device". As referenced in the PocketTV article, a Palm sized device may comprise 64 MB of memory which is operable to store more than one hour of audio/visual information (Para. 2). Accordingly, it would have been obvious to one having ordinary skill in the art to "filter out desirable information from the broadcast audio/visual information" do so for the purpose of utilizing the limited storage capacity to store "desired" material as opposed to undesirable material. It is unclear as to why one would be motivated to record program material for which the user has no interest.

In consideration of claims 44, 54, and 66, the combined references do not explicitly disclose that the "audio/visual information" is transmitted over a "constant period interval". It would have been obvious to one having ordinary skill in the art at the time the invention was made to transmit information over a "constant periodic interval" since it was known in the art that data such as wireless streamed video is transmitted at a "constant periodic interval" of 100 Mbit/sec or higher per the PocketTV article.

Furthermore, the IrDA compliant transceivers such as that associated with the HP Jornada 430/430se transmit information at a "constant period interval" from 9600 b/s with primary speed/cost steps of 115 kb/s and maximum speed up to 4 Mb/s.

In consideration of claims 45, 55, and 67, the "audio/visual information" is "transmitted from one of the STBs to the handheld computing device only when an amount of the audio/visual information exceeds a threshold" such that information is only transmitted when information is available. Alternatively, given that the embodiment is operable to communicate via both "wireless" and "wired" means, it would have been obvious to one having ordinary skill in the art that information would be transmitted via the "wired" means if the data transfer rate exceeds 100 Mbit/sec since such a transfer rate is not supported in conjunction with wireless distribution as taught by the PocketTV article.

In consideration of claims 46, 56, and 68, as aforementioned, it would have been obvious to one having ordinary skill in the art at the time the invention was made to "transmit" the "audio/visual information..., from one of the STBs to the handheld computing device when requested by the handheld computing device" for the purpose of providing a means by which the user may control and specify the particular information to be stored on the "handheld computing device".

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection

of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made.

- The HP Jornada 430/430se Palm-size PC: User's Guide - Chapter 6 provides evidence that the HP Jornada device is inherently capable of supporting the transfer of files to/from multiple computers wherein those files may be displayed on both the computer monitor and the device.
- The Cooper et al. (US Pat No. 6,754,904) reference provides evidence that it is recognizable in the art that a "WebTV" set-top box is essentially a general purpose computer that further includes a tuner (Col 2, Lines 21-34).

2. This is a response of applicant's earlier Application No. 09590417. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKLIN S. ANDRAMUNO whose telephone number is (571)270-3004. The examiner can normally be reached on Mon-Thurs (7:30am - 5:00pm) alternate Fri off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571)272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/  
Supervisory Patent Examiner, Art  
Unit 2623